

## **BACKGROUND, PURPOSE AND POLICY RECOMMENDATIONS RELATED TO THE GOVERNOR’S COMMITTEE ON PEOPLE WITH DISABILITIES**

Note: This document contains background information and policy recommendations related to the issue area of “Transportation” only. To access the Committee’s full report which covers ten issue areas, please visit the Committee’s website [here](#).

### ***TRANSPORTATION***

#### ***GOAL***

Promote the availability of affordable, reliable and accessible transportation for people with disabilities.

#### **Overview**

Access to affordable and accessible transportation options helps enable all of us to work, choose where to live, pursue an education, access health care, worship, shop, and participate in recreational activities. The ability to move about in our environment to get to school, work and to medical care is a daily necessity. Transportation allows most of us to enjoy all the benefits that the big State of Texas has to offer. We live in a State that is as geographically diverse as its population and the ability to move about our environment is considered a basic need.

According to the Texas Department of Transportation report, Texas Statewide Long-Range Transportation Plan 2035, “livability and sustainability are concepts that are likely to be central to future surface transportation legislation. Impacts could include an increased focus on transit and rail services, transit-oriented development, smaller personal vehicles, and increased use of human powered modes, such as bicycle or walking.”<sup>1</sup> This trend includes the revitalization of downtown and inner-cities, development of urban rail systems and more bicycle and pedestrian opportunities.<sup>2</sup> But for many people with disabilities, transportation can be a struggle. The Committee has developed policy recommendations that will give planners and legislators ideas on ways to incorporate accessibility into the transportation options and systems of the future.

#### ***Background and Purpose: Livable Communities and Complete Streets***

“Livable community” is a fluid term whose definition may change depending on the context and such considerations as community capacity, organizational goals, and the needs and desires of particular groups of citizens. [...] [T]he elements that make a community livable for people with disabilities make it a livable place for all members of the community. Thus, in improving its livability for one particular group of constituents, the community actually accomplishes considerably more. A Livable Community for Adults with Disabilities is defined as one that achieves the following:

- Provides options for affordable, appropriate, accessible housing;
- Ensures accessible, affordable, reliable, safe transportation and accessible parking;
- Adjusts the physical environment for inclusiveness and accessibility;
- Provides work, volunteer, and education opportunities;

- Ensures access to key health and support services;
- Encourages participation in civic, cultural, social, and recreational activities.

Within each of these six areas, a livable community strives to maximize people's independence, assure safety and security, promote inclusiveness, and provide choice.<sup>3</sup>

The Governor's Committee Citizens' Input Survey noted that 75 percent of respondents listed as "high importance" the need for affordable, accessible and timely transportation. Sixty-five percent listed transit-oriented development and accessible, affordable, and timely mass transportation as issues of "high importance".<sup>4</sup> While accessible transportation options are important to the current population, it is also important for the aging population of Texans to remain independent.

Starting on January 1, 2011, as the Baby Boomers began to celebrate their 65<sup>th</sup> birthdays, approximately 10,000 people turned 65 every day; this trend will continue for 20 years until 2030.<sup>5</sup>

By 2030, nearly every fifth person in the United States will be 65 and above, and one in four drivers will be 65 and over by 2025. The number of older non-drivers, nearly 7 million in 2001, will also double by 2025. This has profound implications for the planning, design, and operation of our roads and transit systems, as well as pedestrian and bicycle facilities. [...] The availability of transportation services, the safety of roadways and vehicles, and the design of communities are crucial concerns for mid-life and older Americans. Currently, non-drivers have few transportation alternatives and fewer safe alternatives. Public transportation is very limited or nonexistent in the suburban areas where most mid-life and older Americans live. In an American Association of Retired Persons (AARP) survey, 60 percent of persons age 50 and above said they did not have public transportation within a 10-minute walk of their home."<sup>6</sup>

In Texas, the number of Texans 65 or older is expected to grow from 2.4 million to 6.4 million by 2040.<sup>7</sup> During the 82<sup>nd</sup> Legislative session, legislation was filed to require the Texas Department of Transportation to recognize that available walkable and bikeable pedestrian and transit modes are important elements of an inclusive transit-oriented development. This "Complete Streets" legislation would not only allow people to walk, bike or roll to community services but would also help reduce the obesity rate in Texas. Sixty-nine percent of respondents to the Texas Governor's Committee Citizens' Input Survey stated that they "strongly agreed" with the recommendation to encourage the creation of "Complete Streets" developments. Additionally, 60 percent of respondents strongly agreed that there needs to be increased funding for accessible affordable timely rural paratransit programs.

Too few streets are "complete"—that is, designed and operated to accommodate users of all ages and abilities, whether walking, using public transportation, bicycling, or driving. Roughly one-fifth of older persons live in rural areas, and about a third of users of rural public transportation are elderly. High operating costs, especially for gasoline, threaten the transit programs that serve rural and older Americans [even as] [...] demand is on the rise. Older individuals currently make about 90 percent of their trips by automobile. While older drivers are generally safe drivers, when they are involved in crashes, they are significantly more likely to die than are younger persons. Crash fatalities among people age 75 to 79 are four times as likely as those among people age 30 to 59. The Insurance Institute for Highway Safety (IIHS) reports that fragility is

the largest contributor to older persons' high risk of dying from a crash, when compared with persons younger than 60 years of age.

While the Federal Highway Administration has developed guidelines to accommodate older drivers with effective road design, the states have been slow and inconsistent in implementing these recommendations. Community design largely determines how well Americans at midlife and older move about their neighborhoods and reach their desired destinations. More than half of United States citizens age 50 and older live in the suburbs. Not surprisingly, a mobility mismatch between these communities, designed almost exclusively for the automobile, and a growing non-driving population has resulted. People living in areas with better, more integrated transportation and housing make more trips outside their homes, by foot and on public transportation, than their counterparts who do not live in such locations. Pedestrian-friendly communities allow older residents a greater opportunity to retain their independence and to stay engaged.<sup>8</sup>

Moreover, as Texas's population ages, older citizens who use walkers, wheelchairs or other mobility supports need curb cuts and accessible audible and visual walk lights with sufficient time to cross streets and roads. According to a report from Transportation for America, "Dangerous by Design in 2011," Houston, Dallas-Fort Worth, Austin and San Antonio are ranked among the top 25 most dangerous places for pedestrians in the nation. Over the past decade, more than 4,200 Texas pedestrians were killed and more than 500 of those killed were 65-plus.<sup>9</sup>

### ***Background and Purpose: Moving About in our Communities***

[One of three children in Texas] is overweight or obese, including almost half of Hispanic children in the state. These children have greater than a two-thirds chance of remaining obese at age 35 [and will likely] develop lifelong health and productivity consequences. Already by 2005, obese adults cost Texas businesses \$3.3 billion per year. Today's obese children are poised to triple Texas' current adult obesity rate by 2040, and obesity-related expenses are projected to skyrocket accordingly.

Fortunately, obesity is a preventable condition. Innovative policies can reach children while they are still young, reversing their unhealthy weight trends, and preventing weight gain in the first place. Texas has taken bold first steps toward reducing childhood obesity, yet more work remains. With the right combination of actions, the state could avert future costs for Texas and its businesses, and improve the next generation's quality of life.<sup>10</sup>

Along with the increased monetary consequences related to obesity, the obesity-related disability costs are also likely to rise.

In 2009, according to the Texas Childhood Obesity Prevention Policy Evaluation, only 13 percent of children walked or biked to school, compared to 42 percent who did 40 years ago. The

research showed that students would be more likely to walk or bike to school if streets were designed to protect them and that parents could be assured of their safety.<sup>11</sup>

If we design transportation environments which are good for people who are 8 and good for people who are 80, we create accessible options for everyone. Gil Penalosa, a transportation design expert, has developed an “8-80 Plan.” What are the characteristics of an “8-80 City”?

- 8-80 Cities are communities built for people. They reflect social equality in the public realm and promote sustainable happiness.
- They nurture our need to be physically active by providing safe, accessible and enjoyable places for everyone to walk, bike and be active as part of a daily routine.
- They recognize that people are social creatures and prioritize human interaction by fostering vibrant streets and great public places where people can rest, relax and play.
- 8-80 Cities encourage sustainable and healthy lifestyles for everyone regardless of age, gender, ability, ethnicity or economic background.<sup>12</sup>

### **Policy Recommendations:**

- **Recommendation 8.1:** Explore high speed rail options that include maximum accessibility requirements with focus on intelligent system technologies.
- **Recommendation 8.2:** Encourage communities in Texas to implement long term strategies for transit-oriented, mixed use development that would provide accessible, safe, reliable, and affordable transportation choices for Texans with disabilities in order to obtain employment, healthcare, housing and other needed services.
- **Recommendation 8.3:** Encourage local public transit programs to direct funding to improve accessible program design, including rural paratransit programs.
- **Recommendation 8.4:** Support State and local government efforts for aggressive coordination of accessible and affordable transportation, resources and services for Texans with disabilities.
- **Recommendation 8.5:** Promote the elements of transit-oriented development, livable communities and complete street concepts in Texas
- **Recommendation 8.6:** Encourage the principles of Livable Communities in the long range regional planning and development of communities in Texas, including accessible transportation options.

### ***Background and Purpose: Accessible Transportation Options***

#### **Public Rights-of-way**

Accessible streets, sidewalks, and other public infrastructure are crucial to viable transportation for people with disabilities. The lack of enforceable standards under the ADA remains a significant problem, as communities across the United States erect barriers, including

inaccessible bus stops, intersections without curb ramps or with improperly constructed ramps, street crossings and pedestrian signals that are inaccessible to people with visual impairments, and phone poles and other barriers blocking sidewalks.

Travel by taxicab, [used] by many people with disabilities, can pose real barriers to individuals who use service animals or wheelchairs. Accessible taxicabs generally are not required by the ADA. In the void created by this lack of a legal mandate, most cities have attempted to establish wheelchair-accessible taxi services. [...] Some cities have imposed accessible taxicab mandates without providing the necessary incentives for drivers and cab companies, or without the necessary monitoring and enforcement. Often, accessible taxis are not available in neighborhoods for use by people with disabilities; they are busy providing paratransit rides on contract with the local transit agency, or waiting at the airport for nondisabled passengers with golf clubs and bulky luggage, or even parked and not in use.

[Adding to the challenges of readily available urban transportation, the rural transportation challenges are additionally significant.]

Although some model programs have been established in rural areas, a significant discrepancy in funding to such areas means that public transit in general, much less accessible public transit, is in grossly short supply. The human cost is great, resulting in many problems, including institutionalization of people with disabilities solely as a result of the lack of adequate transportation to medical appointments.

While public transportation in this country has made great strides since the passage of the ADA, significant gaps remain for many sectors of the disability community, including people who live in rural areas, those who rely on paratransit to get to work or medical appointments, and those with visual impairments who rely on bus stop announcements. [...]

Flexibility in bus service planning has resulted in the implementation of hybrid services that may provide more options for people with disabilities in rural and suburban communities.

[...][P]rogress has been made on many fronts and successful practices for providing various modes of transportation have improved somewhat, and can serve as models for other communities. The continued underfunding of public transportation, however, directly limits the mobility of large sections of the disability community who are unable to use a car, and this problem will not be fully addressed without a fundamental shift in funding priorities to support a comprehensive, accessible public transportation system.<sup>13</sup>

### **Policy Recommendation:**

- **Recommendation 8.7:** Encourage public and private entities to voluntarily increase the percentage of accessible parking spaces above the federal minimum guidelines.

## ***Background and Purpose: Distracted Driving and Pedestrian Safety for Texans with Disabilities***

With new technolog[ies] being introduced every day, distracted driving is a major traffic safety issue. Although lawmakers at the state, federal and local level are examining a wide variety of issues related to driver focus, the most common concern is the potential distraction caused by cell phones and other technology in the car. More than 220 million people in the United States subscribe to wireless services, and it is estimated that as many as 80 percent of those subscribers use their phones while driving. Many states have passed laws related to cell phone use in the car. Ten states — California, Connecticut, Delaware, Maryland, New Jersey, New York, Nevada, Oregon, Washington and West Virginia — and the District of Columbia have banned hand-held phone use by all drivers. Legislatures in other states have prohibited cell phone use by younger drivers or school bus drivers. The National Conference of State Legislatures (NCSL) closely monitors the latest developments in distracted driving legislation. Many states that have passed hand-held bans and texting bans provide for various exemptions for emergencies, law enforcement personnel, emergency medical technicians, firefighters, state Department of Transportation employees, etc. <sup>14</sup>

While this is a safety concern for many pedestrians and other drivers, it is a particular issue for Texans who are blind or have mobility disabilities, who need to navigate the Texas streets and byways. According to the American Council of the Blind of Texas, approximately 30 percent of Americans do not drive, and a large percentage are persons with disabilities, including persons who are blind or visually impaired. Distracted drivers significantly imperil the safety of pedestrians, especially those who are blind or visually impaired or have mobility disabilities. The National Highway Traffic Safety Administration reports that 80 percent of all accidents involve a distracted driver, and that using a cell phone while driving is among the “Top Five” distractions. <sup>15</sup> A recent *Austin American-Statesman* article stated that

2012 ranks as the deadliest year for pedestrians and cyclists in Austin history. [...] Last year also saw a significant increase in auto-pedestrian-cyclist fatalities, from 12 in 2010 to 22 in 2011, while vehicular deaths continued to decline. This year both are up, and as the *American-Statesman* reported in March, the percentage of total traffic deaths comprised by pedestrians and cyclists — 46 percent — is higher than ever. [...] Nationally, pedestrian fatalities are also on the rise, while motorist fatalities have declined since 2007, according to the National Highway Traffic Safety Administration. <sup>16</sup>

## **Policy Recommendation:**

- **Recommendation 8.8:** Support legislation that would ban the use of hand-held wireless communication devices for text-based communication while operating a motor vehicle.

## ENDNOTES

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<sup>1</sup> Texas Department of Transportation. (2012) *Texas Statewide Long-Range Transportation Plan 2035*, p. 7 Retrieved from: [http://www.dot.state.tx.us/public\\_involvement/transportation\\_plan/default.htm](http://www.dot.state.tx.us/public_involvement/transportation_plan/default.htm)

<sup>2</sup> Ibid

<sup>3</sup> National Council on Disability. (2004, December 2). *Livable Communities for Adults with Disabilities*. [Executive Summary]. Washington, DC: NCD website

<sup>4</sup> 2012 Texas Governor's Committee Citizens' Input Survey

<sup>5</sup> The Silver Book®, Chronic Disease and Medical Innovation in an Aging Nation. *The Growing Older Population – Future Demographics*, p.24 [fact]. Washington, DC: Alliance for Aging Research,

<sup>6</sup> AARP (March 2010). *AARP Issue Brief: Transportation*. Retrieved from the AARP website: [http://www.aarp.org/politics-society/government-elections/info-02-2009/aar- isseu\\_brief\\_transportation.html](http://www.aarp.org/politics-society/government-elections/info-02-2009/aar- isseu_brief_transportation.html)

<sup>7</sup> AARP (2009, December 1). AARP Bulletin Today. Retrieved from the AARP website: [http://pubs.aarp.org/aarpbulletin/200912\\_DC/#pg1](http://pubs.aarp.org/aarpbulletin/200912_DC/#pg1)

<sup>8</sup> AARP (March 2010). *AARP Issue Brief: Transportation*. Retrieved from the AARP website: [http://www.aarp.org/politics-society/government-elections/info-02-2009/aar- isseu\\_brief\\_transportation.html](http://www.aarp.org/politics-society/government-elections/info-02-2009/aar- isseu_brief_transportation.html)

<sup>9</sup> AARP. (November 2011). “Make Getting Around Safer for All - Complete Streets Strategy considers motorists, walkers and cyclists”, Vol. 52, No. 9, p. 40

<sup>10</sup> Arons, A. (January 2011). *Childhood Obesity in Texas, The Costs, The Policies, and a Framework for the Future*. p.4. Retrieved from Children's Hospital Association of Texas website: <http://www.childhealthtx.org/pdfs/Childhood%20Obesity%20in%20Texas%20Report.pdf>

<sup>11</sup> Aaronson, B. (2011, February 2). *Lawmakers File “Complete Streets” Bill*. Retrieved from The Texas Tribune website: <http://www.texastribune.org/texas-transportation/transportation/lawmakers-file-complete-streets-bill/>

<sup>12</sup> Penalosa, G. (2011). *8-80 Cities Concept*. Retrieved from: <http://www.8-80cities.org/>

<sup>13</sup> Frieden, L. (2005, June 13). *The Current State of Transportation for People with Disabilities in the United States*, p. 16. Retrieved from the National Council on Disability website: <http://www.ncd.gov/publications/2005/06132005>

<sup>14</sup> National Conference of State Legislatures. (August 2012). *Distracted Drivers*. Retrieved from the NCSL website: <http://www.ncsl.org/issues-research/transport/spotlight-distracted-driving.aspx>

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<sup>15</sup> Carol Edwards, President, American Council of the Blind, Texas, (2012, August 10) Policy Recommendations Letter to Texas Governor's Committee on People with Disabilities

<sup>16</sup> Bell, B. (2012, November 19). *Auto-pedestrian deaths in Austin reach a record high*. Retrieved from the Austin American-Statesman website: <http://www.statesman.com/news/news/local/auto-pedestrian-deaths-in-austin-reach-a-record-hi/nS97J/>